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Rules, Regulations, Orders

TITLE 22—FOREIGN RELATIONS

DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 5 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

Section 5 of the joint resolution of Congress approved November 4, 1939, provides as follows:

(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Section 15 of the said joint resolution provides as follows:

In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

On November 4, 1939, the President issued a proclamation[1] in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective in respect to those countries the provisions of section 5 of the said joint resolution quoted above.

Section 13 of the said joint resolution provides as follows:

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of November 4, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, which are quoted above, the Secretary of State announces the following regulations:

PART 55C—TRAVEL

§ 55C.1 *American diplomatic, consular, military, and naval officers.* American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa if the public service requires.*

§ 55C.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, *Provided, however,* That travel on or over the north Atlantic Ocean north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or

[1] 4 F.R. 4493 DI.

*Sections 55C.1 to 55C.2, inclusive, issued under the authority contained in secs. 5, 15, 13, Public Res. No. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. 2374, Nov. 4, 1939.

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over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Secretary of State in each case.*

[SEAL] CORDELL HULL,
Secretary of State.

NOVEMBER 6, 1939.

[F. R. Doc. 39-4121; Filed November 7, 1939; 10:35 a. m.]

REGULATIONS UNDER SECTION 3 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

NOVEMBER 6, 1939.

The President's Proclamation of November 4, 1939, issued pursuant to the provisions of section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

[*Here follows, in the original document, the text of Proclamation No. 2376, which appears on Page 4495 of the "Federal Register" for Tuesday, November 7, 1939.*]

By virtue of the authority vested in him by the President's proclamation quoted above to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of section 3 of the joint resolution of Congress approved November 4, 1939, as made effective by this proclamation, the Secretary of State prescribes the following regulations:

(1) Holders of American passports issued or validated subsequent to September 4, 1939 for travel in Europe are hereby permitted to proceed, in accordance with the authorizations and subject to the restrictions noted on such passports, into and through any such combat area, whether by surface vessels or aircraft, or both, until further regulation. Holders of American passports, whether or not so issued or validated, presently in the combat areas defined by the proclamation of the President of the United States dated November 4, 1939, are hereby permitted to proceed into and through such combat areas in connection with travel in accordance with the authorizations and subject to the restrictions noted on such passports, until further regulation.

(2) The provisions of the President's Proclamation of November 4, 1939, do not apply to the current voyage of any American vessel which cleared for a foreign port in the combat area defined in that proclamation and which departed from a port or from the jurisdiction of the United States in advance of the date of the President's proclamation.

(3) The provisions of the proclamation do not apply to vessels of the United States Navy or the United States Coast Guard proceeding through or into this area under orders or in the course of duty.

(4) The provisions of the proclamation do not apply to any American vessel which, by arrangement with the appropriate authorities of the United States Government, is commissioned to proceed into or through this combat area in order to evacuate citizens of the United States who are in imminent danger to their lives as a result of combat operations incident to the present war, or to any American vessel proceeding into or through this area under charter or other direction and control of the American Red Cross and under safe conduct granted by belligerent states named in the President's proclamation of November 4, 1939.

[SEAL] CORDELL HULL,
Secretary of State.

[F. R. Doc. 39-4118; Filed, November 7, 1939; 10:34 a. m.]

PART 40—RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA, NEW ZEALAND, AND THE UNION OF SOUTH AFRICA

Section 8 of the joint resolution of Congress approved November 4, 1939 (Public Res. 54, 76th Cong., 2d sess.) provides as follows:

SEC. 8. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Section 15 of the said joint resolution provides as follows:

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

On November 4, 1939, the President issued a proclamation[1] in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective in respect to those countries the provisions of section 8 of the said joint resolution quoted above.

Section 13 of the said joint resolution provides as follows:

SEC. 13. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

[1] 4 F.R. 4493 DI.

The President's proclamation of November 4, 1939, referred to above, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

> And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, referred to above, the Secretary of State promulgates the following regulations:

Sec.

40.1 Definition.
40.2 Application for registration.
40.3 Chapters or affiliates of registrants.
40.4 Notices of acceptance of registration.
40.5 Records of transactions.
40.6 Submission of forms.
40.7 Rejection and revocation.
40.8 Transmittal of funds.
40.9 Supplemental application.
40.10 American National Red Cross.
40.11 Administrative control.
40.12 Methods of soliciting contributions.
40.13 Reading of regulations.
40.14 Causes for revocation.
40.15 Sworn statement to be supplemented.
40.16 Valid registrations.

§ 40.1 *Definition.* The term "person" as used herein and in the act of November 4, 1939, includes a partnership, company, association, organization, or corporation, as well as a natural person.*

§ 40.2 *Application for registration.* Any person within the United States, its territories, insular possessions (including the Philippine Islands), the Canal Zone, and the District of Columbia who desires to engage in the solicitation or collection of contributions to be used for medical aid and assistance in France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, or for food and clothing to relieve human suffering in any of those countries, and who is not acting for or on behalf of the Governments of France; Germany, Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, or for any agent or instrumentality of such countries, shall register with the Secretary of State. To this end, such person shall make application in duplicate to the Secretary of State upon the form provided therefor.*

§ 40.3 *Chapters or affiliates of registrants.* Organizations or associations having chapters or affiliates shall list them in their application for registration and shall set forth therein the addresses of such chapters or affiliates. In case chapters or affiliates are formed after the registration of the parent organization, the parent should immediately inform the Secretary of State in order that its registration may be amended to name the new chapters or affiliates.*

§ 40.4 *Notices of acceptance of registration.* No person shall solicit or collect contributions without having in his possession a notice from the Secretary of State of acceptance of registration which has not been revoked; Provided, however, That nothing in this regulation shall be construed as requiring a duly authorized agent of a registrant to have in his possession a notice of acceptance of registration. Chapters or affiliates named in the parent organization's registration may, of course, operate under this registration. Notices of acceptance of registration shall not be exhibited, used, or referred to in any manner which might be construed as implying official endorsement of the persons engaged in the solicitation or collection of contributions.*

§ 40.5 *Records of transactions.* All persons registered with the Secretary of State must maintain for his inspection or that of his duly authorized agent, complete records of all transactions in which the registrant engages.*

§ 40.6 *Submission of forms.* Persons receiving notification of acceptance of registration shall submit to the Secretary of State not later than the tenth day of every month following the receipt of such notification sworn statements, in duplicate, on the form provided therefor setting forth fully the information called for therein.*

§ 40.7 *Rejection and revocation.* The Secretary of State reserves the right to reject applications or to revoke registrations for failure on the part of the registrant to comply with the provisions or purposes of the law or of the regulations in this part.*

§ 40.8 *Transmittal of funds.* A registrant may act as an agent for the transmittal abroad of funds received by another registrant, but such funds shall not be accountable as contributions received by the transmitting registrant.*

§ 40.9 *Supplemental application.* Any changes in the facts set forth in the registrant's application for registration, such as change of address, of officers, or of means of distribution abroad, should be reported promptly to the Secretary of State in the form of a supplemental application, in duplicate, properly sworn to.*

§ 40.10 *American National Red Cross.* In view of the purposes and special status of "the American National Red Cross" as set forth in the act of Congress approved January 5, 1905, entitled "An Act to incorporate the American National Red Cross" (33 Stat. 599), and particularly in view of the fact that it is required by law to submit to the Secretary of War for audit "a full, complete, and itemized report of receipts and expenditures of whatever kind," so that the submission to the Secretary of State of reports of funds received and expended would constitute an unnecessary duplication, the American National Red Cross is not required to conform to the provisions of the regulations in this part.*

§ 40.11 *Administrative control.* No registration will be accepted until satisfactory evidence is presented to the Secretary of State that the applicant for registration has organized an active and responsible governing body which will serve without compensation and which will exercise a satisfactory administrative control, and that the funds collected by the registrant will be handled by a competent and trustworthy treasurer.*

§ 40.12 *Methods of soliciting contributions.* No registration will be accepted if the means proposed to be used to solicit or collect contributions include the employment of solicitors on commission or any other commission method of raising money; the use of the "remit or return" method of raising money by the sale of merchandise or tickets; the giving of entertainments for money-raising purposes if the estimated costs of such entertainments, including compensation, exceed 30 percent of the gross proceeds, or any other wasteful or unethical method of soliciting contributions.*

§ 40.13 *Reading of regulations.* No registration will be accepted until the Secretary of State has been informed in writing by a responsible officer of the applicant for registration that he has read the regulations.*

§ 40.14 *Causes for revocation.* The Secretary will exercise the right reserved under § 40.7 to revoke any registration upon receipt of evidence which leads him to believe that the registrant has failed to maintain such a governing body as that described under § 40.11, has failed to employ such a treasurer as that described under § 40.11, has employed any of the methods for soliciting contributions set forth under § 40.12, has employed unethical methods of publicity, or has failed to attain a reasonable degree of efficiency in the conduct of operations.*

§ 40.15 *Sworn statement to be supplemented.* The sworn statement to be submitted by registrants in accordance with § 40.6 shall be supplemented by such further information as the Secretary of State may deem necessary.*

§ 40.16 *Valid registrations.* Valid registrations under the rules and regulations governing the solicitation and collection of contributions for use in belligerent countries promulgated September 5, 9, and 11, and October 4, 1939, pursuant to section 3 of the Neutrality Act of May 1, 1937, remain valid under the regulations in this part.*

[SEAL] CORDELL HULL,
Secretary of State.

NOVEMBER 6, 1939.

[F. R. Doc. 39-4120; Filed, November 7, 1939; 10:34 a. m.]

*Sections 40.1 to 40.16, inclusive, issued under the authority contained in secs. 8, 15, 13, Public Res. No. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. 2374, Nov. 4, 1939.

INTERNATIONAL TRAFFIC IN ARMS

LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR

[Seventh Edition]

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Introductory Statement.
Part I: Section 12 of the joint resolution approved by the President November 4, 1939.
Part II: The President's proclamation of May 1, 1937.
Part III: General regulations.
Part IV: Records of manufacture, export, and import.
Part V: Special provisions in regard to military secrets.
Part VI: Special provisions in regard to exportation to China, Cuba, Honduras, and Nicaragua.
Part VII: Special provisions in regard to the exportation of tin-plate scrap.
Part VIII: Special provisions in regard to the exportation of helium gas.

Introductory Statement

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war, and other munitions of war.

NOVEMBER 6, 1939.

PART I—SECTION 12 OF THE JOINT RESOLUTION APPROVED BY THE PRESIDENT NOVEMBER 4, 1939

Section 12 of the joint resolution approved by the President on November 4, 1939, reads as follows:

SEC. 12 (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of $100; but valid certificates of registration (including amended certificates) issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation No. 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

Section 15 of the same joint resolution reads as follows:

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

Section 16 of the same joint resolution reads as follows:

SEC. 16. For the purposes of this joint resolution—

(a) The term "United States", when used in a geographical sense, includes the several states and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

PART II—THE PRESIDENT'S PROCLAMATION OF MAY 1, 1937

The President's proclamation, No. 2237, of May 1, 1937, referred to in section 12 (i) of the joint resolution of Congress approved November 4, 1939, quoted above, reads as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 5 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war," approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after June 1, 1937, be considered arms, ammunition, and implements of war for the purposes of section 5 of the said joint resolution of Congress:

Category I

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;
(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;
(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;
(6) Tanks, military armored vehicles, and armored trains.

Category II

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

Category III

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;
(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

Category IV

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;
(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

Category V

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, other than those included in Category III;
(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;
(3) Aircraft engines, unassembled, assembled, or dismantled.

Category VI

(1) Livens projectors and flame throwers;
(2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);
c. Methyldichlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenyldichlorarsine;
h. Ethyldichlorarsine;
i. Phenyldibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochlormethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Dichlordimethyl Ether;
o. Dibromdimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombenzylcyanide;
t. Bromacetone;
u. Brommethylethyl ketone.

Category VII

(1) Propellant powders;
(2) High explosives as follows:

a. Nitrocellulose having a nitrogen content of more than 12%;
b. Trinitrotoluene;
c. Trinitroxylene;
d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
e. Picric acid;
f. Ammonium picrate;
g. Trinitroanisol;
h. Trinitronaphthalene;
i. Tetranitronaphthalene;
j. Hexanitrodiphenylamine;
k. Pentaerythritetetranitrate (Penthrite or Pentrite);
l. Trimethylenetrinitramine (Hexogen or T_4);
m. Potassium nitrate powders (black saltpeter powder);
n. Sodium nitrate powders (black soda powder);
o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

This proclamation shall supersede the proclamation of April 10, 1936, entitled "Enumeration of Arms, Ammunition, and Implements of War," on June 1, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

[SEAL]

FRANKLIN D ROOSEVELT

By the President

CORDELL HULL,
Secretary of State.

PART III—GENERAL REGULATIONS

In compliance with that paragraph of section 12 of the joint resolution approved November 4, 1939, which requires the Secretary of State to promulgate such rules and regulations with regard to the enforcement of that section as he may deem necessary to carry out its provisions, the Secretary of State promulgates the following regulations:

(1) All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

REGISTRATION NUMBER

(Not to be filled in by the applicant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

APPLICATION FOR REGISTRATION

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 12 of the Joint Resolution of Congress Approved by the President November 4, 1939.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person): _____

(2) Principal place of business: _____

(3) Other places of business in the United States:

_____

_____

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

Category I

_____

_____

Category II

_____

_____

Category III

_____

_____

Category IV

_____

_____

Category V

_____

_____

Category VI

_____

_____

Category VII

_____

_____

The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of May 1, 1937, which are manufactured, imported, or exported by the undersigned.

_____
(Signature)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this _____day of _____, 19__.

_____
(Notary Public)

The registration fee of $100 is transmitted herewith in the form of {certified check / money order} _____(Checks should be made payable to the order of the Secretary of State.)

(Perforation)

REGISTRATION NUMBER

(Not to be filled in by the applicant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

Certificate of Registration

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 12 of the Joint Resolution of Congress Approved by the President November 4, 1939.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association,

or corporation, as well as a natural person):

---

(2) Principal place of business:

---

(3) Other places of business in the United States:

---

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

Category I

Category II

Category III

Category IV

Category V

Category VI

Category VII

(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved November 4, 1939, and has paid the required registration fee of $100. This certificate is valid for a period of five years from ----------

FOR THE SECRETARY OF STATE.

By ----------

[SEAL]

(2) Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee of $100 in the form of a money order or a certified check.

(3) Upon receipt of an application for registration and the appended certificate of registration duly filled out and accompanied by a registration fee of $100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.

(4) Every person registered shall notify the Secretary of State of any change in the information set forth in his certificate of registration. If the change involves a revision of the list of arms, ammunition, and implements of war which he manufactures, exports or imports, or a change of name, such registered person shall submit, on the form described in paragraph (1) above, an application for an amended certificate of registration, including this information. Upon the receipt of a duly executed application therefor, the Secretary of State will issue to such person, free of charge, an amended certificate of registration which will remain valid until the date of the expiration of his original certificate.

(5) Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's proclamation of May 1, 1937, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that the manufacture, export, or import of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.

(6) Forgings, castings, and machined bodies for any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings, castings, or machined bodies for arms, ammunition, and implements of war, are considered as constituting arms, ammunition, and implements of war for the purposes of section 12 of the joint resolution.

(7) Club propellers, cut away models of aircraft engines and mock-ups or models of arms, ammunition, and implements of war which by reason of design or construction are incapable of being used or of being adapted for use in flight or for military or naval purposes will not be considered as arms, ammunition, or implements of war within the meaning of section 12 of the joint resolution.

(8) The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 12 of the joint resolution.

(9) Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 12 of the joint resolution. Licenses for such shipments may be obtained in accordance with the provisions of paragraph (24) below.

(10) The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as the National Firearms Act (26 U. S. C. (1934) 1132–1132q incl.; Supp. IV 1132–1132b incl.), approved by the President June 26, 1934, as amended; and under the Federal Firearms Act (15 U. S. C. Supp. IV 901–909 incl.), approved by the President June 30, 1938. The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms and taxes upon transfers of certain firearms. The term "firearm" as used in this act includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length." The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm" as used in this act means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon," and the term "ammunition" includes "all pistol or revolver ammunition except .22-caliber rim-fire ammunition." Rules and regulations for the enforcement of these acts are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(11) No person not registered under section 12 of the joint resolution shall engage in the business of exporting or importing any of the arms, ammunition, or implements of war listed in the President's proclamation of May 1, 1937. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

ORIGINAL

(*Application to be made in duplicate*)

Applicant's registration No. ----------

License No. ----------

(For official use only)

(Insert here name of country of destination)

General Instructions

(a) One duplicate application should be made for each complete shipment to any one consignee, and may include more than

one commodity, but may not include shipments to more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Commodities appearing under (7) below should be listed under the number of the pertinent category and category subdivision of that Presidential proclamation enumerating arms, ammunition, and implements of war which is in effect on the date the application is submitted. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(d) A separate value should be given under (8) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should represent the selling price only of the articles exported, and should not include such supplementary costs as packing, freight, etc.

(e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

(g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. Changes in the information set forth in licenses which have been issued under the seal of the Secretary of State can be effected by amendments which can be made only by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State.

DEPARTMENT OF STATE.
Washington, D. C.

(1) Date of application_____
(2) Applicant's Reference No. _____

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant_____
By_____
(To be signed in ink)

(4) Consignee in foreign country:
Name_____Nationality_____
Address {Street__ {State or province__
{City____ {Country_____

(5) Purchaser in foreign country:
Name_____Nationality_____
Address {Street__ {State or province__
{City____ {Country_____

(6) Quantity	(7) Commodity (to be listed as indicated under instruction (c))	(8) Approximate net value

(9) State the specific purpose for which the material is required:
_____
_____

(10) License to be sent to:
Name_____
Address: Street_____ City_____
State_____

(11) Consignor in United States:
Name_____ Nationality_____
Address: Street_____ City_____
State_____
Nature of business_____

(12) Port of exit in the United States from which it is proposed to export the shipment _____

License is hereby granted to the applicant mentioned herein to export from the United States of America to _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be made from port of exit within 1 year from date of this license as given below under the seal of the Department.

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a sea-going vessel, 24 hours before the lading of the vessel.

If partial shipments are made on this license, endorsements by the collectors of customs or postmasters will be made below.

Quantity	Description	Value	Port of exit	Date	Officer

For Collectors of Customs and Postmasters:

This license should be returned to the Secretary of State at the end of the month during which the last article of the shipment described therein was exported, or during which notice has been given that the remaining balance will not be shipped, or during which the license has been revoked or has expired. When the entire shipment has been exported, the license should be marked "Completed"; otherwise the returned license should bear a notation stating the reason for its return and the quantity and value of the articles actually shipped.

Date of license_____

(For official use only)

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

FOR THE SECRETARY OF STATE.
By _____

(For official use only)

Applicant's registration Number _____
Applicant's reference Number _____

Check the terms of sale of the commodities listed under (7) to the purchaser named under (5).

Check

- ☐ Full payment on delivery at factory.
- ☐ Full payment on delivery at port of exit.
- ☐ Full payment on delivery at final destination.
- ☐ Full payment within _____ days after delivery at factory.
- ☐ Full payment within _____ days after delivery at port of exit.
- ☐ Full payment within _____ days after delivery at final destination.
- ☐ Partial payment in advance of delivery and full payment on delivery at factory.
- ☐ Partial payment in advance of delivery and full payment on delivery at port of exit.
- ☐ Partial payment in advance of delivery and full payment on delivery at final destination.
- ☐ Partial payment in advance of delivery and full payment within _____ days after delivery at factory.
- ☐ Partial payment in advance of delivery and full payment within _____ days after delivery at port of exit

Check

- ☐ Partial payment in advance of delivery and full payment within _____ days after delivery at final destination.

Other terms: (Explain fully)
_____
_____

DEPARTMENT OF STATE
UNITED STATES OF AMERICA
APPLICATION FOR LICENSE TO IMPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR
ORIGINAL
(Application to be made in duplicate)

Applicant's Registration No. _____ License No. _____

(For official use only)

_____
(Insert here name of county of origin)

General Instructions

(a) One duplicate application should be made for each complete shipment imported, and may cover more than one commodity, but may not cover shipments from more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Commodities appearing under (6) below should be listed under the number of the pertinent category and category subdivision of the President's proclamation of May 1, 1937. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(e) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the article imported only, and should not include such supplementary costs as packing, freight, etc.

(f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(g) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts by Congress.

(h) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

DEPARTMENT OF STATE,
Washington, D. C.

(1) Date of application_____
(2) Applicant's reference No._____

The undersigned hereby applies for license to import the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant_____
By_____
(To be signed in ink)

(4) Consignor in foreign country:
Name_____Nationality_____
Address {Street__ {State or province__
{City____ {Country_____

(5) Seller in foreign country:
Name_____Nationality_____
Address {Street__ {State or province__
{City____ {Country_____

(6) Commodity and quantity thereof (to be listed as indicated under instruction (d))	(7) Number of articles	(8) Approximate gross weight	(9) Approximate net value

(10) State the specific purpose for which the material is required:

---

(11) License to be sent to _____
Name _____
Address: Street_____ City_____ State_____
(12) Consignee in United States_____
Name_____ Nationality_____
Address: Street_____ City_____ State_____
Nature of business_____
(13) Port of entry in the United States through which it is proposed to import the shipment_____

License is hereby granted to the applicant mentioned herein to import into the United States of America from _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be received at the port of entry within 1 year from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.

Description	Quantity	Number of articles	Value	Port of entry	Date	Name of officer

After all of the articles or commodities listed under (6) above have been imported, the collector of customs should write the word "Completed" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been completed, or should the importer state that he does not desire to complete the shipment, the collector should note, in the space immediately above, the articles which have been imported under the license and should then return it to the Secretary of State.

Date of license_____
(For official use only)

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

For the Secretary of State:
By_____.
(For official use only)

Applicant's Registration Number_____
Applicant's Reference Number_____

Check the terms of sale of the commodities listed under (7) to the seller named under (5).

Check

- ☐ Full payment on delivery at factory.
- ☐ Full payment on delivery at port of exit.
- ☐ Full payment on delivery at final destination.
- ☐ Full payment within _____ days after delivery at factory.
- ☐ Full payment within _____ days after delivery at port of exit.
- ☐ Full payment within _____ days after delivery at final destination.

Check

- ☐ Partial payment in advance of delivery and full payment on delivery at factory.
- ☐ Partial payment in advance of delivery and full payment on delivery at port of exit.
- ☐ Partial payment in advance of delivery and full payment on delivery at final destination.
- ☐ Partial payment in advance of delivery and full payment within _____ days after delivery at factory.
- ☐ Partial payment in advance of delivery and full payment within _____ days after delivery at port of exit.
- ☐ Partial payment in advance of delivery and full payment within _____ days after delivery at final destination.

Other terms: (Explain fully)

---

(12) The Secretary of State will issue import licenses to all registered applicants who have duly filled out an application for license, provided that, in case the articles to be imported are firearms as enumerated in the National Firearms Act of June 26, 1934, as amended, or firearms or ammunition as enumerated in the Federal Firearms Act of June 30, 1938, both of which acts are referred to under (10) above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.

(13) The Secretary of State will issue export licenses to all registered applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party. (See parts V and VI below.)

(14) Export and import licenses are not transferable and are subject to revocation without notice, if the exportation or the importation authorized by the license becomes illegal before the shipment is made. If not revoked, licenses are valid for 1 year from the date of issuance, and shipments thereunder may be made through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph (12) of the application for export license or the proposed port of entry under paragraph (13) of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license.

(15) No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in export or import licenses which have been issued under the seal of the Secretary of State.

(16) Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

(17) The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.

(18) The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

(19) Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to be exported in order that the Secretary of State may determine, before issuing the license, that the provisions of Part V of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for completion in this respect.

(20) The originals of licenses for the export and the import of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

(21) Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods, except

when the shipment is too small to make this segregation practical, in which case the exporter should list separately in the application for an export license those other articles which do not require a license but which are being included in the package.

(22) Export and import licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed or received.

(23) Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

(24) Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 12 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of paragraph (9) above, desire to make or receive occasional shipments of arms, ammunition, or implements of war.

(25) Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 12 of the joint resolution. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry or exit, as the case may be.

(26) Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 12 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under the National Firearms Act of June 26, 1934, as amended, and the Federal Firearms Act of June 30, 1938, referred to in (10) above, as may be applicable in the premises.)

(27) Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

(28) The Government of the United States and its agencies are not "persons" within the meaning of that term as used in section 12 of the joint resolution and therefore no license is required for arms, ammunition, or implements of war imported or exported by them.

(29) Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 12 of the joint resolution. An export license must be obtained, however, before such articles are reexported. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry.

(30) Licenses are required under the provisions of section 12 of the joint resolution for the export or the import of those articles only which are specifically mentioned in the President's proclamation of May 1, 1937. No license is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, except in cases where the export or import of such parts may reasonably be considered as involving, in fact, the export or import of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft undercarriage units and aircraft propellers that a license is required for the export or the import of wheels and propeller blades, even when they are shipped alone.

(31) A license is required for the export of all articles listed in subsection (5) of category I of the President's proclamation of May 1, 1937, which are intended or adapted for war purposes. The fact that such an article, when exported, is filled with a nonlethal gas or fluid having a common nonmilitary use will be considered as prima-facie evidence that the article is not intended for war purposes. No license is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for nonmilitary use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for war purposes, unless when exported they either contain a nonlethal gas or fluid or can be proven to be adapted and intended solely for a specific non-military use.

(32) The terms "propellant powders," as used in paragraph (1) of category VII of the President's proclamation of May 1, 1937, and "potassium nitrate powders" and "sodium nitrate powders," as used in paragraph (2) of that category, apply to those powders in bulk form. They do not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain one of these powders.

(33) Aircraft flown or shipped from the United States for a temporary sojourn abroad, of not to exceed six months' duration, will not be considered as exported within the meaning of section 12 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of May 1, 1937, in any foreign country. It should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is cancelled automatically at the time of the sale under the Civil Air Regulations of the Civil Aeronautics Authority. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, propose to place the aircraft under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the aircraft or any of the essential parts referred to in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Aircraft of United States registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 12 of the joint resolution. Aircraft of foreign registry entering the United States for a temporary sojourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

(34) Aircraft flown or shipped for temporary sojourn under the provisions of paragraph (33) above shall not be so flown or shipped until customs clearance has been obtained. Evidence in support of claim for exemption from the requirement of an import or export license should be submitted to the appropriate collector of customs. Aircraft flown into the United States should be cleared through the customs authorities at the airport of entry where first landing is made or at such other airport or base where advance permission to land has been obtained from the Commissioner of Customs. In case of forced landings of aircraft arriving in the United States clearance should be obtained at the port of entry or custom house nearest to the place where such forced landing is made. Aircraft flown out of the United States should be cleared through the customs authorities at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry. Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad, the customs authorities at the port of exit through which the aircraft is cleared should be informed of the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States. Persons planning to make flights

outside the United States are advised, moreover, to communicate with the Civil Aeronautics Authority with regard to its requirements. The requirements set forth herein have no application to civil aircraft operated by commercial air lines on regular schedules between the United States and foreign countries under certificates of public convenience and necessity or foreign air carrier permits issued by the Civil Aeronautics Authority. The provisions of this paragraph shall be considered as binding in addition to, and not in lieu of, the customs regulations.

PART IV—RECORDS OF MANUFACTURE, EXPORT, AND IMPORT

The Secretary of State prescribes that all persons required to register under section 12 of the joint resolution approved November 4, 1939, shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

PART V—SPECIAL PROVISIONS IN REGARD TO MILITARY SECRETS

Title I of the Espionage Act, approved June 15, 1917, reads in part as follows:

Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . .

The Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.

Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.

Prospective exporters of articles falling within the above categories which may possibly involve military secrets of interest to the national defense, or persons desirous of transmitting abroad information concerning such articles, should communicate with the Secretary of State in advance of the proposed transaction in order that he may be in a position to ascertain for the interested person whether or not military secrets are, in fact, involved therein. The articles upon which a determination is requested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.

PART VI—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO CHINA, CUBA, HONDURAS AND NICARAGUA

A joint resolution of Congress approved January 31, 1922, reads in part as follows:

* * * That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both.

A convention between the United States of America and other American republics in regard to the duties and rights of states in the event of civil strife, signed at Habana, February 20, 1928, and ratified by the United States on May 21, 1930, reads in part as follows:

ARTICLE 1

The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

* * * * *

3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied.

Pursuant to the authority conferred by the joint resolution of January 31, 1922, a Presidential proclamation, which is still in effect, was issued on March 4, 1922, in respect to China, as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolutions that "Whoever exports any arms or munitions of war in violation of section 1 shall on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both."

Now, therefore, I, Warren G. Harding, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord one thousand nine hundred and [SEAL] twenty-two and of the Independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:

HENRY P. FLETCHER
Acting Secretary of State

Similar Presidential proclamations, which are still in effect, were issued on March 22, 1924, in respect of Honduras; on September 15, 1926, in respect of Nicaragua; and on June 29, 1934, in respect of Cuba.

In accordance with the authority conferred upon him in these proclamations, the Secretary of State will permit the exportation to China, Cuba, Honduras, and

Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of May 1, 1937, only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.

The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

> The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of May 1, 1937:

(1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.

(5) Explosives as follows: explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 percent or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones.

(6) Tear gas ($C_6H_5COCH_2Cl$) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.

The Secretary of State will permit the exportation to Cuba of the articles listed above only when the Department of State has been informed by the Cuban Embassy in Washington that it is the desire of the Cuban Government that the exportation of the shipment be authorized.

No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of May 1, 1937.

In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

PART VII—SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF TIN-PLATE SCRAP

The act of Congress approved February 15, 1936, entitled "An Act To provide for the protection and preservation of domestic sources of tin" reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the interest of national defense, it is hereby declared to be the policy of Congress and the purpose and intent of this Act to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

SEC. 2. There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

SEC. 3. Any violations of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment of not more than one year, or by both such fine and imprisonment.

On February 16, 1936, the President issued an Executive order as follows:

EXECUTIVE ORDER

TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF THE DOMESTIC SOURCES OF TIN

WHEREAS section 2 of an act of Congress approved February 15, 1936, entitled "AN ACT To provide for the protection and preservation of the domestic sources of tin," provides:

"There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity."

NOW, THEREFORE, I, FRANKLIN DELANO ROOSEVELT, President of the United States, acting under and by virtue of the authority vested in me by the aforesaid act, do hereby delegate to the Secretary of State as Chairman of the National Munitions Control Board the power to grant licenses for the exportation of tin-plate scrap upon such conditions and under such regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity, and as he may prescribe by and with the advice and consent of the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 16, 1936.

In virtue of the authority vested in him by the Executive order of February 16, 1936, the Secretary of State by and with the advice and consent of the National Munitions Control Board prescribed on December 7, 1936, the following regulations:

"(1) For the purpose of the act the term 'tin-plate scrap' is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (1) the manufacture of tin plate, or (2) the manufacture of tin-bearing articles from tin plate. As thus defined, the term 'tin-plate scrap' does not include tin-plate waste waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

"(2) Blank forms of application for export licenses similar to that printed below will be furnished by the Secretary of State on request.

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT TIN-PLATE SCRAP

ORIGINAL

(Application to be made in duplicate)

---------- License No. ----------

(Insert here name of country of destination)

(For official use only)

General Instructions

(a) One duplicate application should be made for each complete shipment to any one consignee.

(b) Applications should be typewritten, with the exception of signature which should be written in ink.

(c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(e) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

DEPARTMENT OF STATE,
Washington, D. C.

(1) Date of application----------

(2) Applicant's reference No.----------

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith regarding it.

(3) Name of applicant_____
By _____
(Signature)
_____
(Title)

(4) Consignee in foreign country:
Name_____Nationality_____
Address { Street__ State or province__ / City____ Country_____

(5) Purchaser in foreign country:
Name_____Nationality_____
Address { Street__ State or province__ / City____ Country_____

(6) Character of tin-plate scrap to be exported	(7) Number and type of containers	(8) Approximate weight	(9) Approximate value

(10) The tin-plate scrap to be exported under this license was produced by:
_____ _____
(Name) (Address)

(11) State the specific purpose for which the material is required:
_____ _____
_____

(12) State the reason or reasons why the applicant wishes to export the tin-plate scrap referred to in this application rather than to sell it in the United States:
_____ _____
_____

(13) License to be sent to:
Name _____
Address: Street_____City_____State_____

(14) Consignor in the United States:
Name_____ Nationality_____
Address: Street_____City_____State_____
Nature of business_____

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

Quantity	Value	Port of exit	Date	Name of officer

License is hereby granted to the applicant mentioned herein to export from the United States of America to _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

This license remains valid, unless revoked, for shipments from port of exit at any time during the calendar year in which issued. All licenses expire automatically at the close of the calendar year in which issued.

Date of license _____
(For official use only)

(When countersigned and impressed with the seal of the Departmentof State, this application becomes a license.)

FOR THE SECRETARY OF STATE,
By _____
Chief, Division of Controls.

(*For official use only*)

"(3) The Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap to applicants who have duly filled out the above form, when in the opinion of the National Munitions Control Board the issuance of such licenses may be consistent with the purposes of the act. Copies of the statement of the procedure adopted by the Board to govern the issuance of licenses may be obtained from the Secretary of State.

"(4) The shipper's export declaration (customs form 7525) must contain the same information in regard to the nature and the value of the tin-plate scrap to be exported as that which appears on the application for license.

"(5) Export licenses and export declarations covering tin-plate scrap must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel."

PART VIII—SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF HELIUM GAS

Section 3 of the act of September 1, 1937 (50 Stat. 885), entitled "An Act Authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes," provides in part as follows:

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States or its territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States * * *

Section 4 of the act provides as follows:

SEC. 4. No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State and a license authorizing said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior: *Provided*, That, under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any foreign country, nor the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (Public Resolution Numbered 27 of the Seventy-fifth Congress [1]) while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

Any person violating any of the provisions of this section or of the regulations made pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

The National Munitions Control Board shall include in its Annual Report to the Congress full information concerning the licenses issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas.

In view of the afore-mentioned provisions of law and under the authority of and pursuant to the proviso in section 4 thereof, the Secretary of State prescribed and promulgated on May 23, 1939, with the approval of the National Munitions Control Board and the Secretary of the Interior, the following regulations governing the export of helium gas:

(1) Wherever the word helium is used in these regulations, it shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression "contained helium" means the actual quantity of the element helium (i. e. 100 percent pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

(2) Applications for license to export helium gas shall be submitted to the Secretary of State on forms similar to that printed below, copies of which will be furnished by the Secretary of State on request. Each application must be signed and sworn to (or affirmed) in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT HELIUM GAS

ORIGINAL

(*Application to be made in duplicate*)

_____ _____
(Insert here name of country of destination) (For official use only)

General Instructions

(a) One duplicate application should be made for each complete shipment to any one consignee.

(b) Applications should be typewritten, with the exception of signatures which should be written in ink.

(c) Where exact number of containers, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Shipments should be described in terms of cubic feet.

(e) Applications not executed under oath, unsigned applications, and applications which omit essential information requested in the

[1] Repealed November 4, 1939.

numbered spaces thereof or otherwise required, will be returned.

(f) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.

(g) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

DEPARTMENT OF STATE,
Washington, D. C.

(1) Date of application_____

(2) Applicant's Reference No._____

The undersigned hereby applies for license to export the commodity described below and swears to (affirms) the truth of all statements and answers herein set forth.

(3) Name of applicant_____

Address_____

(4) Consignee in foreign country:

Name_____Nationality_____

Address {Street__ {State or province__ / City____ {Country_____

(5) Purchaser in foreign country:

Name_____Nationality_____

Address {City____ {State or province__ / Street__ {Country_____

(6) Quantity of helium gas to be exported hereunder (100% helium at 14.7 pounds; 70° F.)	(7) Number and type of containers	(8) Approximate gross weight	(9) Approximate net value

(10) State fully the specific purpose for which the helium gas is required:

_____

_____

(11) Indicate the source from which the helium gas is to be obtained:

_____

_____

(12) License to be sent to:

Name_____

Address: Street_____ City_____ State_____

(13) Consignor in United States:

Name_____ Nationality_____

Address: Street_____ City_____ State_____

(14) Port of exit in the United States from which it is proposed to export the shipment

_____

_____

(Signature of Applicant)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Subscribed and sworn to before me at _____, this _____ day of _____, 19__.

[SEAL] _____

(Notary Public)

If partial shipments are made on this license, endorsements by the collector of customs or postmaster will be made below. After all of the articles or commodities listed under (6) above have been exported, the collector of customs or postmaster should write the word "Completed" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been completed, or should the exporter state that he does not desire to complete the shipment, the collector or postmaster should note, in the space immediately below, the articles which have been shipped under the license and should then return it to the Secretary of State.

Quantity	Number of containers	Value	Port of exit	Date	Name of officer

License is hereby granted to the applicant named herein to export from the United States of America to _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is subject to revocation without notice.

Shipment must be made from port of exit before the date of expiration indicated on the face hereof.

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a seagoing vessel, 24 hours before the lading of the vessel.

Date of license_____

(*For official use only*)

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

For the Secretary of State:

By _____

(*For official use only*)

---

(3) Licenses authorizing export shipments of helium gas for medical, scientific, and commercial use will be issued by the Secretary of State for quantities not to exceed, during any one year, to the ultimate consignees or purchasers within any one country, 500,000 cubic feet.

(4) Quantities of helium gas that are not of military importance, within the meaning of the term as used in Section 4 of the Act of September 1, 1937 (50 Stat. 885), are defined to be quantities of helium gas not exceeding 500,000 cubic feet.

(5) Applicants for license to export helium gas under paragraph (3) hereof may be required to submit with their applications evidence to show that the helium gas to be exported will be used for only the purposes indicated therein and that subsequent disposition of the helium gas will not in any way violate provisions of the Act of September 1, 1937 (50 Stat. 885), or regulations promulgated thereunder. The Secretary of State may refuse to issue a license if such evidence is not deemed sufficient.

(6) All applications for license to export helium gas shall be accompanied by evidence to show that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

(7) No license will be issued under these regulations to authorize the exportation of helium gas to a foreign country if it appears that the issuance of such a license would permit the accumulation in that country of helium gas in quantities of military importance. The Secretary of State may, in the case of applicants who have already obtained one license, require that succeeding applications for license to export helium gas be accompanied by information indicating the manner of disposal of the helium gas exported under licenses preceding that applied for. No license will be issued under these regulations if the amount of helium gas authorized for export under such license, taken in conjunction with the amount of helium gas already accumulated within the country of destination and any further amount already licensed for export to such country but not actually delivered would be in excess of 500,000 cubic feet.

(8) No licenses will be issued by the Secretary of State for the exportation of helium gas to any country named in a proclamation issued by the President pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (50 Stat. 121),[1] while such proclamation is in effect.

(9) Licenses which have been issued under these regulations authorizing the exportation of helium gas to a country which is subsequently named in a proclamation issued by the President pursuant to the provisions of law referred to in paragraph (8) hereof, shall automatically become null and void and further shipment thereunder shall be considered in violation of these regulations.

(10) Licenses authorizing the exportation of helium gas are not transferable and are subject to revocation without notice. If not revoked, such licenses are valid until the date of expiration indicated on the face thereof.

(11) No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in licenses which have been issued under the seal of the Secretary of State.

(12) Licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

(13) The country of destination and the consignee named in the application for license to export helium gas must, in each case, be the country of ultimate destination and the ultimate consignee, respectively.

(14) The shipper's export declaration (customs form 7525) or such other document as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

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[1] Repealed November 4, 1939.

(15) The originals of licenses authorizing the exportation of helium gas must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

(16) Licenses authorizing the exportation of helium gas which is being shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

(17) Helium gas leaving the United States when used for or intended for the inflation of an aircraft under American registry will not be considered as exported within the meaning of section 4 of the Act when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certificated United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

[SEAL] CORDELL HULL,
Secretary of State.

[F. R. Doc. 39-4122; Filed, November 7, 1939; 10:35 a. m.]

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 386 (5th revision)]

LIST OF ARTICLES EXEMPT FROM CERTIFICATION REQUIREMENTS UNDER THE GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE (QUARANTINE NO. 45)

In accordance with the proviso in Notice of Quarantine No. 45 (Sec. 301.45), as revised effective September 29, 1938,[1] the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine:

Acacia cuttings (for ornamental use) (*Acacia* spp.).

Banana stalks, when crushed, dried, and shredded.

Birch slabs for use as post cards.

Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.

Cable reels, when newly manufactured and empty.

Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.)

Evergreen smilax (*Smilax lanceolata*).

Fuchsia (*Fuchsia* spp.)

Galax (*Galax aphylla*).

Geranium (*Pelargonium* spp.).

Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).

Heliotrope (*Heliotropium* spp.).

Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.

Jerusalem-cherry (*Solanum capsicastrum, S. pseudo-capsicum, S. hendersoni*).

Leaves of deciduous and evergreen trees that have been treated or dyed.

Mistletoe (*Phoradendron flavescens, Viscum album*, etc.).

Oregon huckleberry (*Vaccinium ovatum*).

Partridgeberry (*Mitchella repens*).

Strawberry plants (*Fragaria* spp.).

Trailing arbutus (*Epigaea repens*).

Verbena (*Verbena* spp.).

Wintergreen (*Gaultheria* spp., *Pyrola* spp.).

(Issued under Sec. 301.45) [B.E.P.Q. 386 (5th revision) November 6, 1939]

[SEAL] LEE A. STRONG,
Chief.

[F. R. Doc. 39-4116; Filed, November 7, 1939; 10:09 a. m.]

[1] 3 F.R. 2342 DI.

TITLE 18—CONSERVATION OF POWER

FEDERAL POWER COMMISSION

[Order No. 65]

ORDER ADOPTING AND PRESCRIBING F. P. C. FORM NO. 141 AND DIRECTING THAT NATURAL GAS COMPANIES REPORT SEMIANNUALLY ON SAID FORM REGARDING THE TRANSPORTATION AND SALE OF NATURAL GAS IN INTERSTATE COMMERCE

OCTOBER 17, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) The proper and effective administration of the Natural Gas Act requires that the Commission be regularly and fully advised regarding the transportation and sale of natural gas in interstate commerce by natural gas companies subject to its jurisdiction;

(b) The specific and detailed information called for on F.P.C. Form No. 141,[1] hereinafter adopted and prescribed as a part hereof, to be filed semiannually by natural gas companies, is necessary to provide the Commission with pertinent data and information with respect to the transportation and sale of natural gas in interstate commerce, under each separate rate schedule in effect, and to enable the Commission to carry out its duties and obligations under the Natural Gas Act;

The Commission orders that:

(A) F.P.C. Form No. 141 be and is hereby adopted and prescribed for use by every natural gas company, as defined in the Natural Gas Act;

(B) On or before December 15, 1939, every natural gas company shall report and file with the Commission on said Form No. 141 for every rate schedule subject to the jurisdiction of the Commission the detailed data and information therein called for with respect to the transportation or sale of natural gas for the six month period ended June 30, 1939;

(C) Every natural gas company shall regularly, on or before February 28 and August 31 of each year, for the six month period preceding and ending on December 31 and June 30, respectively, report and file with the Commission on said Form No. 141, for every rate schedule subject to the jurisdiction of the Commission, the detailed data and information therein called for with respect to the transportation or sale of natural gas;

(D) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4114; Filed, November 7, 1939; 9:43 a. m.]

[1] Filed as a part of the original document; requests for copies should be addressed to the Federal Power Commission.

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 50005]

CUSTOMS REGULATIONS AMENDED—RECORDING OF TRADE-MARKS

NUMBER OF FACSIMILE COPIES OF STATEMENT AND DRAWING OF REGISTERED TRADE-MARKS REQUIRED FOR RECORDATION IN EACH CUSTOMS DISTRICT[1]

To Collectors of Customs and Others Concerned:

Paragraph (b) of article 538 of the Customs Regulations of 1937[2] [sec. 9.14 (b)] is amended to read as follows:

(b) [Sec. 9.14 (b)] To record a trade-mark with the Treasury Department an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C. (which may be in the form of a letter), stating therein the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); the name of the locality in which the goods are manufactured, and the customs districts (designated by the names of the headquarters ports listed below) in which the applicant desires to have facsimiles of the statement and

[1] This document affects 19 CFR 9.14.
[2] 2 F.R. 1572.

drawing recorded. The application must be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or the Trade-Mark Act of March 19, 1920; such of the documents mentioned in paragraph (c) as are required to show the ownership of the applicant; three uncertified printed facsimiles of the statement and drawing covering the trade-mark for deposit in the Treasury Department, and a sufficient number of such facsimiles to enable the Bureau to forward copies to the headquarters ports of the customs districts named in the application.

The number of facsimiles required for each of the several customs districts and the names of the headquarters ports of those districts are as follows:

7 Baltimore, Md.
13 Boston, Mass.
4 Bridgeport, Conn.
9 Buffalo, N. Y.
3 Charleston, S. C.
4 Charlotte Amalie, St. Thomas, V. I.
6 Chicago, Ill.
11 Cleveland, Ohio.
2 Denver, Colo.
7 Detroit, Mich.
16 Duluth, Minn.
5 El Paso, Tex.
6 Galveston, Tex.
18 Great Falls, Mont.
7 Honolulu, T. H.
3 Indianapolis, Ind.
2 Juneau, Alaska
9 Los Angeles, Calif.
1 Louisville, Ky.
3 Memphis, Tenn.
8 Milwaukee, Wis.
4 Minneapolis, Minn.
5 Mobile, Ala.
5 New Orleans, La.
25 New York, N. Y.
11 Nogales, Ariz.
5 Norfolk, Va.
15 Ogdensburg, N. Y.
1 Omaha, Neb.
4 Pembina, N. Dak.
6 Philadelphia, Pa.
2 Pittsburgh, Pa.
5 Port Arthur, Tex.
21 Portland, Me.
6 Portland, Ore.
3 Providence, R. I.
7 Rochester, N. Y.
24 St. Albans, Vt.
9 St. Louis, Mo.
1 Salt Lake City, Utah
18 San Antonio, Tex.
5 San Diego, Calif.
7 San Francisco, Calif.
13 San Juan, Puerto Rico
4 Savannah, Ga.
20 Seattle, Wash.
21 Tampa, Fla.
4 Wilmington, N. C.

No fee is charged for recording trademarks in the Treasury Department. (Secs. 526, 624, 46 Stat. 741, 759, sec. 27, 33 Stat. 730; 19 U.S.C. 1526, 1624, 15 U.S.C. 106.)

[SEAL] BASIL HARRIS,
Commissioner of Customs.

Approved, November 1, 1939.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-4117; Filed, November 7, 1939; 10:13 a. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS GOVERNING THE LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

OCTOBER 24, 1939.

Section 189.15 of Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Part 189, leasing of certain restricted allotted Indian lands for mining, which reads:

§ 189.15 *Annual Rentals on Leases for Minerals other than Oil and Gas.* Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Fifteen cents per acre per annum for the first and second years; 30 cents per acre per annum for the third and fourth years; 75 cents per acre per annum for the fifth year; and $1 per acre per annum for each succeeding year during the term of the lease.

is amended to read:

§ 189.15 *Annual Rentals on Leases for Minerals other than Oil and Gas.* Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Twenty-five cents per acre for the first calendar year or fraction thereof; 50 cents per acre per annum for the second and third years; and $1 per acre per annum for each and every calendar year thereafter during the continuance of the lease.

JOHN W. FINCH,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 39-4113; Filed, November 7, 1939; 9:42 a. m.]

TITLE 32—NATIONAL DEFENSE

NATIONAL MUNITIONS CONTROL BOARD—DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 6 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

Section 6 of the joint resolution of Congress approved November 4, 1939, provides as follows:

Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

Section 15 of the said joint resolution provides as follows:

In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

On November 4, 1939, the President issued a proclamation[1] in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective the provisions of section 6 of the said joint resolution quoted above.

Section 13 of the said joint resolution provides as follows:

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of November 4, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, which are quoted above, the Secretary of State announces the following regulations:

PART 1—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, ETC.

§ 1.52 *Carriage of small arms and ammunition on American vessels engaged in commerce with foreign states.* American vessels engaged in commerce with foreign states may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels. (Secs. 6, 15, 13, Public Res. No. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. 2374, Nov. 4, 1939)

[SEAL] CORDELL HULL,
Secretary of State.

NOVEMBER 6, 1939.

[F. R. Doc. 39-4119; Filed, November 7, 1939; 10:34 a. m.]

[1] 4 F.R. 4493 DI.

TITLE 43—PUBLIC LANDS: INTERIOR

GENERAL LAND OFFICE

[Circular No. 1461]

REGULATIONS GOVERNING RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES *

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§ 245.1 *Statutory authority.* The act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), authorizes the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of rights-of-way over and upon public lands and certain reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, to the extent of the ground occupied by such electrical plants, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such electrical lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

The act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), authorizes the head of the department having jurisdiction over the lands, under such regulations as may be fixed by him to grant an easement for rights-of-way for a period not exceeding fifty years, over and across public lands and reservations of the United States, for electrical poles and lines for the transmission and distribution of electrical power, to the extent of twenty feet on each side of the center line of such electrical lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

§ 245.2 *When application for power permit may be filed.* The acts of February 15, 1901, and March 4, 1911, with respect to rights-of-way for power purposes over public lands, were repealed and superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, except where the electrical energy is generated other than by water power, or in case of rights-of-way over allotted Indian lands. No application for a power permit should be filed under said acts for electrical plant sites, or rights-of-way for transmission lines, unless the electrical energy to be generated or conveyed is to be generated by means other than by water power, or the lands affected are allotted Indian lands. All other applications for power plants or transmission lines must be filed with the Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended.

§ 245.3 *Jurisdiction over land.* Section 1 of the act of February 1, 1905 (33 Stat. 628), vested jurisdiction in the Department of Agriculture to pass upon all applications under the act of February 15, 1901, for permission to occupy and use lands in national forests. For the purpose of the act of March 4, 1911, national parks, Indian reservations, and reservations for water power sites, irrigation, classification of lands, or other purposes, created under the withdrawal act of June 25, 1910 (36 Stat. 847), are considered to be under the jurisdiction of the Department of the Interior; military reservations under the jurisdiction of the War Department; and reservations created for the special occupancy, use, or control of other departments under the jurisdiction of such departments, respectively. Therefore, when it is desired to obtain permission to use rights-of-way over public lands within a national forest, an application should be prepared in accordance with the regulations issued by the Department of Agriculture and the same submitted to the proper officer of that department.

§ 245.4 *Nature of permit.* The act of February 15, 1901, does not make a grant in the nature of an easement, but authorizes a mere permission revocable at any time, and it gives no right whatever to take from public lands, reservations, parks, or national forests adjacent to the right-of-way any material, earth, or stone for construction or other purposes. The act of March 4, 1911, which authorizes the granting of easements for transmission lines, for stated periods not to exceed fifty years, follows as closely as possible in the accomplishment of its purposes, the act of February 15, 1901.

§ 245.5 *Unsurveyed lands.* Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for rights-of-way over unsurveyed lands as well as surveyed lands.

§ 245.6 *National parks.* The act of March 3, 1921 (41 Stat. 1353), provides, inter alia:

> That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress, etc.

§ 245.7 *Effect of permit.* Power permits issued by the Secretary of the Interior allow the occupancy and use of Interior Department lands for the construction, maintenance, and operation of works that involve the use of or interference with valuable power resources or that involve the development, transmission, or use of power. All permits will be issued, extended, renewed, or revoked only by the Secretary of the Interior.

§ 245.8 *Trespass.* Any occupancy or use of public lands, reservations, parks, or national forests for the purposes set forth in said statutes, except under authority first secured from the proper department, is trespass.

§ 245.9 *Filing of application.* All applications for power permits for occupancy or use of Interior Department lands should be submitted in duplicate on form 1, which is made a part hereof, and filed at the local land office of the land district in which the lands are situated. If the lands are situated in more than one district, the lands in both districts shall be embraced in one set of application papers, which shall be submitted in any one of such districts at the option of the applicant, who shall submit to the local land office in each other districts a print copy of the maps submitted to the local land office of the first district. If there is no local land office, the application should be filed with the Commissioner of the General Land Office, Washington, D. C.

An application for a power permit shall not be completed until every map or paper required by the regulations has been filed in the form prescribed.

§ 245.10 *Priority rights.* Priority of consideration of applications for power permits shall be initiated in the order of filing complete applications as prescribed in section 245.9. Priority shall be maintained, however, only in so far as the projects are within the limits of the project works as shown in the application for the permit. Priority initiated or maintained by an application for permit shall be lost if the applicant fails to make the payment required and to return a duly executed agreement, as prescribed in section 245.21, within 30 days from a date fixed in the letter transmitting such agreement to him, unless a longer time is allowed by written authority of the Secretary. Priority initiated or maintained by an application for a permit shall be lost if the permit is revoked. No other application, for a like use covering in whole or in part the same or adjacent

*These regulations are issued under the authority of the Acts of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), and March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

lands, will be accepted from the permittee whose priority is lost until the expiration of one year thereafter; and this restriction shall extend to transferees of the permittee and if the permittee is a corporation to reincorporations representing the same or associated interests, whenever in the judgment of the Secretary a transfer or reincorporation has been effected for the purpose or with the result of escaping the restriction of this regulation, it being the intent of such restriction to leave open to other applicants for a period of one year power sites upon which priorities have lapsed as provided in this regulation.

§ 245.11 *When permit may be granted.* Power permits will be issued only in case it appears that the proposed development will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No power permit will be issued if the works to be constructed thereunder would in any way be incompatible with works operated or constructed or to be constructed under an existing power permit. No power permit will be issued for the construction of works within an area covered by a prior permit until after the loss of priority by the prior permittee. Applications for power permits involving in whole or in part the same lands will be examined in order of their priority, but before the issuance of final permit consideration may be given, in the discretion of the Secretary, to the financial ability and business connections and affiliations of the applicants.

§ 245.12 *Termination of permit.* Unless otherwise specified in the permit and unless sooner revoked by the Secretary, a power permit shall terminate at the expiration of 50 years from the date of the permit. If, however, at any time not less than 2 or more than 12 years prior to the termination of the permit, the permittee shall formally notify the Secretary that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of lands of the United States for power purposes, the existing permit will be considered as an application for such new permit.

§ 245.13 *Words and phrases.* The following terms, wherever used in these regulations, shall have the meaning hereby in this regulation assigned to them, respectively, viz:

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit, or conduits conducting water thereto, all storage or diverting or forebay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by permit prior to the operation period.

"Nominal stream flow" means the sum of (a) the natural flow available for 90 percent of the time, and (b) the increase in such natural flow for 90 percent of the time due to artificial means other than the project works.

"Project storage flow" means the estimated increase in nominal stream flow made practicable by the project works.

"Available stream flow" means the sum of nominal stream flow and project storage flow.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued product of (1) the factor 0.08;[1] (2) the average gross head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

[1] The factor 0.08 represents the horsepower at 70 percent efficiency of a second-foot of water falling through a head of 1 foot.

"Net capacity of the power site" means the capacity on which the calculation of the compensation hereinafter required to be paid is based, and is determined by making a deduction from the total capacity of the power site which, in percent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall such deduction exceed 10 percent.

§ 245.14 *Rental charges.* Unless otherwise ordered by the Secretary the occupancy and use of Interior Department lands under a power permit for power sites of more than 100 horsepower total capacity will be conditioned on the payment in advance for each calendar year of compensation calculated from the "net capacity of the power site", as defined in section 245.13, at not less than the following rates per horsepower per year:

For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period	$0.01
For the second full calendar year of each of said periods	.02
For the third year	.03
For the fourth year	.04
For the fifth year	.05
For the sixth year	.06
For the seventh year	.07
For the eighth year	.08
For the ninth year	.09
For the tenth and each succeeding year	.10

The rates per horsepower per year will be ten times such minimum rates, however, unless good cause for fixing other rates appears. The compensation on account of a power permit will be calculated from the net capacity of the power site as estimated by the Secretary at the time of granting said permit, provided that said estimated net capacity may be adjusted by the Secretary annually to provide for changes in length of primary transmission, for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 percent or more, or for increase or decrease of 10 percent or more in average gross head, or in degree of practicable utilization.

(a) The charge for occupancy and use of Interior Department lands under a power permit for transmission lines shall be at the rate of five dollars ($5) per mile or fraction thereof per annum, the minimum charge to be five dollars ($5).

(b) The charge for occupancy and use of Interior Department lands under a power permit for plants generating power by means of coal, oil, gas, or other fuel shall be five dollars ($5) per acre or fraction thereof per annum, the minimum charge to be five dollars ($5).

(c) The first payment by every permittee shall be the compensation for a full year, but any excess of said payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as a part of his payment for the first full calendar year.

The permittee shall annually, on or before the first day of February next following the close of each calendar year of the period for which right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft, or check payable to the Treasurer of the United States, the rental charges specified in the permit. If the permittee shall fail to pay the rental charges required in the permit, and such default shall continue for sixty days after the first day of February, then the Secretary of the Interior may in his discretion terminate and revoke the permit. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Secretary of the Interior.

(d) At any time not less than 5 years after the issuance of a permit, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may decide to be reasonable and proper.

(e) All payments made under a power permit shall be deposited to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected and to the credit of the Treasurer of the United States in so far as any other Interior Department lands are affected.

§ 245.15 *Showing required of corporations.* Application by a private corporation must be accompanied with a copy of its charter or articles of incorporation, duly certified by the proper officers of the company under its corporate seal or by the secretary of the State where organized.

When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

If the company shall have filed with the Department of the Interior the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made by date and case number of such previous filing.

§245.16 *Showing required of individuals or associations of individuals.* Application by an individual must be accompanied with affidavit of citizenship if the applicant is native-born. If he is not a native-born citizen he must submit the usual proofs of naturalization. If the applicant is an association of citizens, each member must make affidavit of citizenship, and a complete list of the members must be given in an affidavit by one of them. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

§ 245.17 *Evidence which must accompany application.* Each application for power permit must be accompanied with the following data:

(a) A map prepared on tracing linen, in duplicate, with two print copies showing the survey of the right-of-way or site properly located with respect to the public-land surveys so that said right-of-way or site may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

The scale should be 2,000 feet to the inch for canals, ditches, pipe lines, and transmission lines, and 1,000 feet to the inch for reservoirs, except where a larger scale is required properly to represent the details of the proposed project, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than six miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with the subdivision, section, township, and range clearly marked.

The width of the canal or ditch, at highwater line should be given and if not of uniform width, the location and amount of the change must be definitely shown. In the case of a pipe line, the diameter should be given. For reservoirs, the capacity in acre-feet, the area within the highwater line, the source of the water supply, and the location and height of the dam must be shown.

Each copy of the map should bear upon its face an affidavit of the engineer who makes the survey and the certificate of the applicant (Form 2, which is made a part hereof).

(b) A general map of the entire power project or transmission line on tracing linen, in duplicate, with two print copies, prepared on such a scale and in such a manner that each quarter section of land affected is clearly shown. If this information is shown on the map filed under section 245.17 (a), supra, the general map may be omitted.

(c) Evidence of water right, if the project involves the storage, diversion, or conveyance of water. Control and jurisdiction over the appropriation of water are vested in the State authorities. The applicant, therefore, must file evidence, obtained from the proper State official, that he has the right to appropriate the water to be stored, diverted, or conveyed.

§ 245.18 *Power plants to be platted on map in main drawing and in separate drawing.* When application is made for a permit for power plants, the location and extent of ground proposed to be occupied by buildings, pipe lines, or other structures necessary to be used in connection therewith must be clearly designated on the map and described by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions.

§ 245.19 *Transmission lines.* Application for a permit for transmission lines must be accompanied with:

(a) A description of the plant or plants which generate or will generate the power to be transmitted over such lines (hereinafter called "the connected generating plant", which term shall include all hydraulic, hydroelectric, and electric generating works), such description to be in sufficient detail to show, to the satisfaction of the Secretary of the Interior, the character, capacity, and location of such plant.

(b) A statement in detail to the Secretary of the Interior showing whether the connected generating plant is located, in whole or in part, on land owned or controlled by the United States, or on land not so owned and controlled, and whether any part of the connected generating plant or of the system of transmission and distribution in connection with such plant affects lands in reservations other than those under the jurisdiction of the Secretary of the Interior.

§ 245.20 *Use of transmission lines.* Rights-of-way granted under these regulations for transmission lines shall not be used for the transmission of any power generated otherwise than by and at "the connected generating plant" as defined in section 245.19, until the Sec-

retary of the Interior shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.

§ 245.21 *Agreement required as a condition precedent to issuance of permit.* Before a power permit will be issued for a power project, the permittee shall execute and file an agreement which, upon its approval in writing by the Secretary, shall constitute and express the conditions of the permit. Such agreement shall expressly bind the applicant—

(a) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved.

(b) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter diligently and continuously to prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(c) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit. To furnish the Secretary with a statement, under oath, of the actual cost of construction of the project when completed.

(d) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(e) To pay annually, in advance, such amounts as may be fixed and required by the Secretary under section 245.14.

(f) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of electric energy generated by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(g) That the books and records of the permittee shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(h) On demand of the Secretary to install a system of accounting for the entire power business in such form as the Secretary may prescribe, which system as far as is practicable will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct.

(i) To protect in a workmanlike manner, at crossings of and at places in proximity to its transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power-transmission lines from contact, and all highways and railroads from obstruction, and shall maintain its transmission lines in such manner as not to menace life or property.

(j) To clear and keep clear the Interior Department lands along the transmission line for such width and in such manner as the officer of the United States having supervision of such lands may direct.

(k) To dispose of all brush, refuse, or unused timber on Interior Department lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

(l) To build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and to build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

(m) To do everything reasonably within the power of the permittee both independently and on request of the Secretary or other duly authorized officer or agent of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

(n) To pay the full value as fixed by the Secretary for all timber cut, injured, or destroyed on Interior Department lands in the construction, maintenance, and operation of the project works.

(o) To pay the United States full value for all damage to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(p) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands by the permittee.

(q) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of the prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered: Provided, That for the purposes of this paragraph any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts.

(r) Upon demand in writing by the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as he may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied or used under the permit, and then valuable or serviceable in the generation, transmission, and distribution of power: Provided, (1) That such surrender or transfer shall be demanded only in case the United States or the transferee shall have first acquired such other works, equipment, structures, property and rights of the permittee as are dependent in whole or in essential part for their usefulness upon the continuance of the permit; (2) that such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (3) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (4) that such reasonable value shall be determined by mutual agreement of the parties in interest, and in case they cannot agree, by the Secretary under a rule, which, except as modified by the requirements of this paragraph, shall be the then existing rule of valuation for power properties in condemnation proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property then owned or held by the permittee on lands of the United States occupied or used under the permit.

(s) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor, and in respect to any purchase or taking over

of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(t) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time shall affect only the portions specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

(u) To perform such other specified conditions with respect to the occupancy and use of lands within any of said parks or any military, Indian, or other reservation as may be found by the chief officer of the department under whose supervision such park or reservation falls to be necessary as conditions precedent to the issuance of the permit in order to render the same compatible with the public interest.

§ 245.22 *Change in location or plans of construction.* During the progress of construction, amendments to maps of location or plans of structures will be required from the permittee if there is a material deviation from the maps or plans as originally filed, but no amendment will be allowed that is incompatible with the occupancy and use of lands under existing permits or pending applications. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit and a substitute for the clauses amended. Any approval of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original map or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works, showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans are required.

§ 245.23 *Extension of time for beginning or completing construction.* An extension of the periods stipulated in the permit for beginning or completing construction and for beginning operation will be granted only by the written approval of the Secretary after a showing by the permittee satisfactory to the Secretary that the beginning or completion of construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

§ 245.24 *Transfer of permit.* A permit may be transferred to a new permittee only (1) by a court of competent jurisdiction under a decree of foreclosure to enforce a mortgage or deed of trust that shall have been given in good faith to secure capital for the power business as defined in section 245.13, embracing the works constructed or to be constructed under such permit, and without any intent to evade the restrictions upon transfers in this section hereafter set forth; or (2) under the following conditions: The proposed transferee shall file with the Commissioner of the General Land Office, Washington, D. C., the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of an agreement binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

§ 245.25 *Revocation of permit.* Violation by a permittee of any of the provisions of these regulations, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No permit will be deemed to be revoked except on the issuance by the Secretary of a specific order of revocation. Change of jurisdiction over lands from one executive department to another will not revoke but will change the administrative jurisdiction over a permit for the occupancy and use of such lands. The final disposal by the United States of any tract traversed by a right-of-way permitted shall not be construed to be a revocation of such permission in whole or in part, but such final disposal shall be deemed and taken to be subject to such right-of-way until such permission shall have been specifically revoked.

§ 245.26 *Abandonment of project.* Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the agreement and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

§ 245.27 *Action on application.* When an application is filed, the register will place on the papers and accompanying maps, the serial number, the name of the office, and the date of filing. Notations will be made on the local office records opposite each unpatented tract affected by the right-of-way or site, giving serial number, date of filing and the name of the applicant. The register will certify on each map over his written signature, that unpatented land is affected. The application will then be transmitted promptly to the General Land Office. If no unpatented land is affected, the register will return the map and duplicate to the applicant with notice of that fact.

(a) Upon receipt of the application at the General Land Office it will be noted on the records of that office. The General Land Office will examine the application and determine whether it is complete with respect to the requirements of that office; and will call upon the applicant through the local land office to supply any deficiency. If the application affects Indian land the General Land Office will call upon the Commissioner of Indian Affairs for report and recommendation, in duplicate, so that the interest of the Indians may be protected and such compensation for the land or right-of-way taken as the law and facts may warrant, may be secured. Thereupon the General Land Office will promptly transmit the entire record to the Director of the Geological Survey, stating the fact of such completion and the date thereof as determined by the receipt at the local land office of the last paper required to be filed.

(b) Upon receipt of the application for permit at the Geological Survey, that office will promptly call upon other offices for such reports and recommendations, in duplicate, with respect to the status of the lands, interference with matters under the jurisdiction of such offices, and conditions precedent to the issuance of the permit, as the nature

of the case may require; and will determine whether the application papers are complete with reference to the requirements of the Geological Survey, and will call upon the applicant directly to supply any deficiency. When the application is found by the Geological Survey to be thus complete, the fact of such completion and the date thereof as determined by the receipt at the Geological Survey of the last paper required (or in case the application is thus complete when received by the Geological Survey, the date as specified by the General Land Office) will be noted on the records of the Geological Survey; and said date will be taken as the date of initiation of priority as defined in section 245.10 and as the date of initiation of valid rights of the applicant as against other claimants, and will be so specified in the permit, if issued.

The recommendation of the Geological Survey, together with the application papers shall be transmitted to the General Land Office, and that office will submit the case to the Secretary for action, presenting therewith its recommendation and that of the Geological Survey. In case the Geological Survey recommends that a permit be issued to the applicant that office will submit with its recommendation to the General Land Office a draft of such permit and agreement, in duplicate, together with five copies thereof, whereupon, the General Land Office shall transmit the draft of agreement in duplicate to the applicant for execution. After such execution and return of the agreement to the General Land Office, that office shall submit a complete record to the Secretary with its recommendations through the Geological Survey, for the concurrence of the Director. The compensation for the first year shall be transmitted by the applicant to the Commissioner of the General Land Office with the executed agreement prior to the issuance of the permit, in the form of a post office money order, bank draft, or check payable to the Treasurer of the United States.

§ 245.28 *Action on approved permit.* Upon approval of the permit by the Secretary, the General Land Office will note the fact of such approval on the maps of location, will transmit one original of the permit to the permittee and one copy thereof to the Geological Survey, and two copies to the Commissioner of Indian Affairs where the permit for right-of-way affects Indian lands, and will transmit one tracing of all maps of location and one copy of the permit to the local land office for filing, and will retain one original of the permit and one tracing of all maps of location in the files of the General Land Office. The approval of the permit and the date of initiation of priority and of valid rights of the permittee will thereupon be noted on the tract records of the General and local land offices.

(a) After the issuance of the permit, the Geological Survey will make such investigations and reports to the Secretary of the Interior as may be necessary for the determination and revision of rates and capacities, the supervision of construction and operation, and of the records of the permittee as contemplated by these regulations, and, in general, for all engineering matters pertaining to the power development and the power resources involved.

(b) The permittee shall at all times keep the Secretary informed of its address, and in case of corporations, with the address of its principal place of business and of the names and addresses of its principal officers.

§ 245.29 *Former regulations superseded.* The foregoing regulations supersede the regulations approved January 6, 1913 (41 L.D. 454), and March 1, 1913 (41 L.D. 532), and amendments thereto.

FRED W. JOHNSON,
Commissioner,
General Land Office.

I concur:

W. C. MENDENHALL,
Director, Geological Survey.

Approved, October 30, 1939.

HAROLD L. ICKES,
Secretary of the Interior.

FORM 1—APPLICATION FOR POWER PERMIT

The _____ _____, a corporation organized and existing under and by virtue of the laws of the State _____ (_____ _____, a citizen of the United States and resident of the State of _____,) with office and principal place of business at _____, in the State of _____, hereby makes application for a power permit for the occupancy and use of certain lands of the United States in the State of _____, by constructing, maintaining, and operating thereon for the main purpose of the development, transmission, and use of power (here add any other proposed purpose) the following works:

(Omit such of the four following items (a), (b), (c), (d) as may not be applicable.)

(a) ____ dams (masonry, earth, etc., diverting or storage) approximately ____ feet in maximum height and approximately ____ feet in maximum length, to occupy approximately ____ acres, respectively, and to form ____ reservoirs to flood approximately ____ acres at extreme flood level, ____ acres at the flow line fixed by the average effective head, and approximately ____ acres at spillway level, respectively; [1] in section ____, township ____, range ____, ____ meridian, said dams and said reservoirs being designated, respectively, as follows: _____.

(b) ____ conduits approximately ____ miles in length, respectively,[1] crossing sections ____, township ____, range ____, ____ meridian, said conduits being designated, respectively, as follows: _____.

(c) ____ power houses and appurtenant structures to occupy approximately ____ acres, respectively,[1] in section ____, township ____, range ____, ____ meridian; said power houses being designated, respectively, as follows: _____.

(d) ____ transmission lines ____ miles in length, respectively,[1] crossing sections ____, township ____, range ____, ____ meridian; said transmission lines being designated as follows: _____. All as approximately shown upon certain maps which, together with certain papers are, filed herewith and made a part hereof.

This application has been prepared to be filed in accordance with the regulations of the Secretary of the Interior, in order that the undersigned applicant may obtain the benefits of the act of Congress approved February 15, 1901 (31 Stat. 790), (or act of March 4, 1911, 36 Stat. 1253).

In witness whereof _____ has caused this instrument to be executed this _____ day of _____, 19__.

_____ _____,
By _____ _____.

[SEAL OF CORPORATION]

FORM 2.—AFFIDAVIT OF APPLICANT'S ENGINEER AND CERTIFICATE OF APPLICANT ON MAPS AND PLANS

STATE OF _____,
County of _____, *ss:*

_____ _____, being duly sworn, says he is by occupation a _____ engineer, employed by the _____ company, and that this map (plan) was prepared under his supervision from actual surveys and designs; correctly represents so far as shown hereon, the location and design of the works described in the accompanying application; to the best of his knowledge and belief correctly represents all other matters shown hereon; and represents a safe, adequate, and feasible plan for the fullest economic utilization of the power resources involved.

_____ _____,
Engineer.

Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL] _____ _____,
Notary Public.

This is to certify that _____ _____, who subscribed the affidavit hereon is the person employed by the undersigned applicant to prepare this map (plan), which map (plan) has been adopted by the applicant as the approximate final location of the works thereby shown; and that this map (plan) is filed as a part of the complete application.

_____ _____
By_____ _____
_____ _____

[SEAL OF CORPORATION]

[F. R. Doc. 39-4112; Filed, November 7, 1939; 9:42 a. m.]

[1] If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d), the following: "Located on certain lands described and shown by the map accompanying the application."

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. 967-FD—1105-FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 12

Complainant, vs. C. A. Acton & Sons Coal Company; Apex Coal Company; Arkoal Coal Company; Attica Coal Company; Bean Coal Company; Bidwell Fuel Company; R. H. Birkenbine Coal Company; Bishop Brothers Coal Company; Black Diamond Coal Company (Albia, Iowa); Black Diamond Coal Company (Centerville, Iowa); Blakesburg Deep Vein Company; Blue Flame Coal Company; Bonnett Coal Company; Boyles Coal Company; Bradley Brothers Coal Company;

Bradshaw Coal Company; Tom Briggs Coal Company; Burk Brothers Coal Company; Caldwell Coal Company; Campbell Coal Company; Caswell Coal Company; Cedar Bluff Coal Company; Cedar Creek Coal Company; Chatterton Coal Company; City Fuel Company; Columbus Coal Company; Confidence Hi-Test Coal Company; F. C. Crouse Coal Company; Crowe Coal Company; Davidson Coal Company; Davis Coal Company; De Frehn & Son Coal Company; Dhone Coal Company; Dove Coal Company; Eagle Point Coal Company; Edwards Brothers Coal Company; Thomas H. Edwards Coal Company; A. M. Ellis Coal Company; Evans Coal Company; J. H. Evans & Son Coal Company; Fenton Coal Company; Ford Coal Company; Four Star Coal Company; Fuller Coal Company; Gibb Coal Company; Globe Coal Company; Green Valley Coal Company; Quinn Coal Company; Charles Hayes & Son Coal Company; Ed. Hays Coal Company; Heggen Coal Company; Hendrickson Coal Company; Dave C. Henton Coal Company; Hidden Hollow Coal Company; Hillside Coal Company; Hilltop Coal Company; Hunter Coal Company; Hy-Lo Coal Company; Ideal Coal Company; Earl H. Jackson Mine; Johns Brothers Coal Company; Johns Coal Company; Joplin Coal Company; Kaster Brothers Coal Company; Kauzlarich Coal Company; Lae-Z Coal Company; Liter Coal Company; Losee & McCarty Coal Company; McGruder Coal Company; McKenzie Coal Company; Martin Coal Company; Mid West Coal Company; John Mitrison Coal Company; Mitten Creek Coal Company; Monark Coal Company; Monich Brothers Coal Company; Monitor Coal Company; Montgomery Coal Company; Morgan Valley Coal Company; National Coal Company; New Deal Coal Company; New Everist Coal Company; New Riverside Coal Company; New Star Coal Company; Noble Coal Company; North Chariton Coal Company; Norwalk Coal Company; O. & L. Coal Company; Owens & Doty Coal Company; Panther Creek Coal Company; Pee Wee Coal Company; Penrod Brothers Coal Company; Pike Coal Company; Porter Brothers Coal Company; Ragona Coal Company; Ramsay-Dooms Coal Company; Jim Reed Mine; Ridge Block Coal Company; Riverside Coal Company; L. A. Robinson Coal Company; Tom Robinson Coal Company; Rogers and Dawson; Rowley Coal Company; Runnells Coal Company; Rupalo Coal Company; Sargent Coal Company; Showers and Fuller Coal Company; Smith and Clark Coal Company; Smith Coal Company; Smith Brothers Coal Company (Eddyville, Iowa); Smith Brothers Coal Company (Lovilia, Iowa); Square Deal Coal Company; Standard Coal Company (Beacon, Iowa); Standard Coal Company (Dallas, Iowa); Earl Sterns Coal Company; Marion Stribling Coal Company; Stickle Coal Company; Stub Coal Company; Sunny Slope Coal Company; Roy Thompson Coal Company; Thompson Coal Company; Thompson Mining Company; Twin Sisters Coal Company; Valley Fuel Company; Vanceuncebrock Coal Company; Van de Ven Coal Company; Villont Coal Company; Violet Valley Coal Company; Homer Wainwright Coal Company; Walker Cannel Coal Corporation; Walker-Gilger Coal Company; Wallace Coal Company; Walnut Valley Coal Company; Westercamp Coal Company; Whalan Coal Company; White Eagle Coal Company; Wignall Brothers Coal Company; Young Coal Company; Zaputil Coal Company, Defendants

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 12, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

It is ordered, That a hearing on such matters be held on December 15, 1939, at 9 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, at Des Moines, Iowa, in Room 307, Federal Office Building.

It is further ordered, That M. J. Torlinski or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 13, 1939.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 12, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, November 6, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4115; Filed, November 7, 1939; 9:47 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF AN AMENDMENT TO THE DECISION OF THE SECRETARY OF LABOR OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE FERTILIZER INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

On October 24, 1939, the minimum wage required to be paid by employers subject to Section 6 of the Fair Labor Standards Act of 1938, became 30 cents an hour or $12.00 per week of forty hours.

In the light of this fact and in accordance with the provisions of the determination in the matter of the prevailing minimum wages in the Fertilizer Industry, all interested parties are hereby given until and including November 20, 1939, within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing cause why the Secretary of Labor's decision dated August 15, 1939, In the Matter of the Determination of the Prevailing Minimum Wages in the Fertilizer Industry (4 F.R. 3804 DI) should not be amended to conform to the minimum wage required by the Fair Labor Standards Act of 1938 with respect to the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, and to show cause why the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of superphosphates and concentrated superphosphates; and for the manufacture or mixing of concentrated fertilizer from superphosphates, potash and ammoniates, should not be 30 cents an hour or $12.00 per week of forty hours for the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

[SEAL] L. METCALFE WALLING,
Administrator.

NOVEMBER 6, 1939.

[F. R. Doc. 39-4123; Filed, November 7, 1939; 11:11 a. m.]

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION AND ORDER REEMPLOYMENT OF LEARNERS IN THE COTTON TEXTILE INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the original applications made by the Cotton Textile Institute and sundry other parties pursuant to Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the Textile Industry at wages less than the minimum applicable under Section 6 of the Act were withdrawn after a public hearing was held upon said applications in Washington, D. C., on November 28, 29, and 30, 1938 before Merle D. Vincent, a representative of the Administrator duly authorized to conduct said hearing; and

Whereas, the Cotton Textile Institute and sundry other parties made application for a reconvening of the said hearing under said Act and regulations and for permission to employ learners in the Cotton Textile Industry at wages lower than the minimum wage applicable under Section 6 of the Act by virtue of the Textile Wage Order; and

Whereas, after due notice[1] a reconvened public hearing was held on these applications in Washington, D. C., on October 12, 1939, before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Textile Industry require a learning period; and

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the Textile Industry, or branch thereof, and

(c) Under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the Textile Industry, or branch thereof, for whatever occupation, or occupations, if any, are found to require a learning period; and

Whereas, the said Merle D. Vincent duly made findings of fact, copies of which were filed in the office of the Acting Administrator on November 4, 1939, and are there available for inspection by interested parties, and made the following determination and order:

1. On or after October 31, 1939, special certificates shall be issued permitting employment of learners in the Textile Industry at subminimum rates in the textile occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, except that no certificate shall be deemed to apply to any employees performing functions similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time keepers, machine cleaners, janitors, and truckers. In the tufted bedspread branch of the industry, certificates shall be issued for the occupations of punchwork operation and chenille operation, and only such occupations. In the curtain branch of the industry, certificates shall be issued for the operation or sewing machines, but for no other occupation.

All such special certificates shall be issued, upon the following terms, to all plants in the industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available.

(a) Learners employed under the certificate shall be paid at a rate of not less than 25 cents an hour; *Provided,* That in all plants where experienced operators are paid on a piece-work rate, learners in the same occupations shall be paid at least the same piece-work rate and shall receive earnings paid on this rate, if in excess of the above-stated minimum.

(b) No learner shall be employed under the certificate longer than 6 weeks; *Provided,* That in the tufted bedspread branch of the industry no learner shall be employed longer than 8 weeks as a chenille operator, and not longer than 16 weeks as a punchwork operator, and not longer than one 8-week retraining period for chenille operators learning punchwork; *Provided, further,* That in the curtain branch of the industry no learner shall be employed under the certificate longer than 8 weeks.

(c) Learners employed under the certificate shall not exceed 3 percent of the total number of persons in the learner occupations, provided that in the tufted bedspread branch of the industry learners shall not exceed 5 percent of the total number of chenille and punchwork operators; provided further that, in the curtain branch of the industry, learners shall not exceed 5 percent of the total number of sewing-machine operators; and provided finally that the employment of as many as 3 learners may be authorized by any certificate except that in the tufted bedspread and curtain branches of the industry as many as 5 learners may be authorized by any certificate. In cases of plant expansion or new plants, certificates may be issued under Part 522 of the Regulations for a larger number of learners if need therefor is found.

(d) Only learners shall be employed at a subminimum wage under the certificate, and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

(e) No learner shall be employed at a subminimum wage under the certificate until and unless a copy of this certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, subject to modification or extension on or before that time following an appropriate reconsideration of this Order.

3. In this Order the term "learner" shall mean a person who has had less than 6 weeks' experience in the aggregate in any of the learner occupations in any branch of the textile industry except tufted bedspreads and curtains. In the tufted bedspread branch of the industry the term "learner" shall mean a person who has had less than 8 weeks' experience as a chenille operator, or 16 weeks' experience as a punchwork operator, or less than 8 weeks' experience as a chenille operator plus 8 weeks retraining as a punchwork operator. In the curtain branch of the industry, the term "learner" shall mean a person who has had less than 8 weeks' experience as a sewing-machine operator. If any worker has partially completed the applicable learning period, as prescribed above, the time thus served shall be deducted from the learning period authorized by special certificate upon any subsequent employment.

4. In this Order the term "Textile Industry" is defined as under the Textile Wage Order as follows:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fibre, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze, bath mats and related articles; bedspreads; blankets, diapers; dishcloths, scrubbing cloths and wash-cloths; sheets

[1] 4 F.R. 4175 DI.

and pillow cases; table-cloths, luncheloths and napkins; towels; and window-curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

This definition shall not be deemed to include the Wool Industry, and the operations of said industry are excluded from this Determination and Order.

Now, therefore, notice is hereby given that pursuant to Section 522.13 of the said regulations as amended, petitions for review of the action of the said authorized representative may be filed by interested parties within fifteen days after the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 7th day of November 1939.

HAROLD D. JACOBS,
Acting Administrator.

[F. R. Doc. 39-4131; Filed, November 7, 1939; 12:15 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1939.

[File No. 52-9]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

ORDER GRANTING APPLICATION, ETC.

Atlas Corporation having filed (a) an application pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935 for approval of a plan of reorganization of Utilities Power & Light Corporation, a registered holding company, (b) an application pursuant to Section 11 (g) of said Act for a report on said plan and (c) a declaration pursuant to Rule U-12E-5 with respect to solicitation of proxies and other authorizations with respect to said plan;

The Commission having after hearing entered on July 26, 1939 an order wherein *inter alia* such application by Atlas Corporation pursuant to Section 11 (f) was granted upon certain conditions and wherein jurisdiction was reserved with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U-12E-5;

The Commission having on August 28th, 1939 ordered that further hearing be had for the purpose of receiving additional evidence with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U-12E-5 and such hearing having been had;

The Commission having considered the record herein;

It is ordered, That such application pursuant to Section 11 (g) be, and it hereby is, granted;

It is further ordered, That the form of report attached to this order [1] be, and it hereby is, approved and adopted as the report made by this Commission on said plan of reorganization pursuant to said application and to Section 11 (g) of said Act for use in connection with solicitations with respect to said plan as in said Section 11 (g) provided;

It is further ordered, That the Commission reserves jurisdiction with respect to said declaration pursuant to Rule U-12E-5.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4124; Filed, November 7, 1939; 12:11 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1939.

[File No. 37-40]

IN THE MATTER OF SALEM TERMINAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 13 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on December 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 9, 1939.

The matter concerned herewith is in regard to declaration filed pursuant to Section 13 (b) of the aforementioned Act and Rule U-13-22 promulgated thereunder, by Salem Terminal Corporation, a subsidiary of New England Power Association, a registered holding company, with respect to declarant's organization and conduct of business as a subsidiary service company.

It is stated that declarant is presently engaged in the business of handling coal, consisting of unloading coal from vessels, storing and reloading onto trucks, cars or other conveyances; and that such services are performed for Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, Salem Electric Lighting Company, Lawrence Gas Light Company, all associates of declarant, and for Pocahontas Fuel Company, Inc.

It is further stated, that at the end of the calendar year, net profits derived from declarant's coal handling operations, including coal handling for Pocahontas Fuel Company, Inc., will be distributed to each affiliated company for which coal is handled directly by declarant, in the ratio of the total gross revenues accruing for the year from coal handling for each such affiliated company, to the aggregate revenues accruing from coal handling for all such affiliated companies; and that net losses, if any, from coal handling operations will be charged proportionately to such affiliated companies through the same method of allocation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4125; Filed, November 7, 1939; 12:11 p. m.]

[1] Filed as a part of the original document with the Division of the Federal Register.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November 1939.

[File No. 1–1650]

IN THE MATTER OF TOM REED GOLD MINES COMPANY COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Tom Reed Gold Mines Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the Los Angeles Stock Exchange and on the San Francisco Mining Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, November 27, 1939, at the office of the Securities & Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4126; Filed, November 7, 1939; 12:11 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November 1939.

[File Nos. 7–437—7–442]

IN THE MATTER OF APPLICATIONS BY THE WHEELING STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CONTINENTAL BAKING COMPANY (8% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE; $8 NON-CUMULATIVE PARTICIPATING CLASS A COMMON STOCK, NO PAR VALUE; CLASS B COMMON STOCK, NO PAR VALUE), AND WARD BAKING COMPANY (7% CUMULATIVE PREFERRED STOCK, PAR VALUE $100; COMMON STOCK, CLASS A, NO PAR VALUE; COMMON STOCK, CLASS B, NO PAR VALUE)

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

The Wheeling Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, December 6, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4127; Filed, November 7, 1939; 12:12 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1939.

[File No. 32–163]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

ORDER RELATIVE TO INDENTURE

The Commission having entered an order herein on August 8, 1939, providing, in paragraph (6) thereof, that within ninety (90) days following the date of the entry of said order, Central Ohio Light & Power Company shall "execute a further indenture supplemental to the Indenture, dated as of October 1, 1930, which supplemental indenture shall contain such further covenants and agreements on the part of the Applicant with respect to the furnishing of evidence, certificates or opinions to the Trustee and/or to the bondholders, as the Commission shall deem necessary or desirable in the interests of investors;"

The Company having informed the Commission that the preparation of the aforesaid supplemental indenture has been undertaken by its counsel but that it will not be possible to complete such work and have such supplemental indenture executed by said Trustee within the ninety (90) days provided in said paragraph, and having requested the Commission, therefore, to grant an additional thirty (30) days for compliance with said paragraph;

It is ordered, That Central Ohio Light & Power Company be and it hereby is granted an additional thirty (30) days from the date of the entry of this order to comply with paragraph (6) of said order dated August 8, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4128; Filed, November 7, 1939; 12:12 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

[File No. 43–264]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to

any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 22, 1939.

The matter concerned herewith is in regard to the following transactions:

Niagara Hudson Power Corporation proposes to issue $3,750,000 aggregate principal amount of 3½% unsecured Notes, of which $468,750 will mature on December 14 of the years from 1941 to 1948 inclusive. The Notes are to be issued privately to a group of six banks, pursuant to the terms of certain agreements dated September 2, 1938 between the company and each of the banks.

Of the funds received by the company, $3,000,000 will be used for the payment at maturity of a like principal amount of 2½% Notes due December 14, 1939. The declaration states that the balance of the funds to be received by the company, $750,000, will be advanced from time to time to subsidiaries for construction purposes.

After the proposed transaction is completed, the company will have outstanding $9,500,000 aggregate principal amount of unsecured Notes bearing 3½% interest of which $1,187,500 principal amount will mature on December 14 of each of the years from 1941 to 1948 inclusive. The company will also have outstanding $2,750,000 aggregate principal amount of Notes bearing 3½% interest due December 14, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4129; Filed, November 7, 1939; 12:12 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

[File No. 32-185]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application (or declaration) pursuant to section 6 (b) (or, in the alternative, to Section 7) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 24, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 20, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by Wisconsin Michigan Power Company (a Wisconsin corporation), of 40,000 shares of the preferred stock, 4½% Series, of said company of the aggregate par value of $4,000,000; the proposed issue and sale of the 2½% promissory notes of said company in the aggregate principal amount of $620,000, to evidence proposed bank loans and to mature in the amount of $140,000 on December 12, 1940, $140,000 on December 12, 1941, $140,000 on December 12, 1942, and $200,000 on December 12, 1943; and the proposed issue and sale of 10,000 shares of the common stock of said corporation of the aggregate par value of $200,000, such common stock to be issued and sold for $200,000 in cash to The North American Company, a registered holding company, of which Wisconsin Michigan Power Company is a subsidiary. It is proposed that said preferred stock be sold to the public, through underwriters, at a price to be stated by amendment to the present application, a privilege of prior subscription therefor to be extended to the holders of the presently outstanding 6% preferred stock of the applicant. It is stated that the net cash proceeds of the sale of the proposed issues of stock and of the proposed bank loans will be applied, to the extent necessary, to the redemption of the 6% preferred stock of the applicant now outstanding, the redemption price of which aggregates $4,107,730 (exclusive of accrued dividends to the date of redemption) and to the retirement of the 3% installment note of applicant in the principal amount of $560,000, any additional amount required for the retirement of such securities be supplied from the treasury of applicant.

It is further proposed that the rights of the shareholders of the applicant shall be altered by amendment of the Articles of Association of the applicant whereby, among other things and as more particularly set forth in said declaration, certain voting rights and representation will be granted to the holders of preferred stock of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4130; Filed, November 7, 1939; 12:12 p. m.]